



# Havering

L O N D O N   B O R O U G H

## GOVERNANCE COMMITTEE AGENDA

<b>7.30 pm</b>	<b>Wednesday 18 July 2018</b>	<b>Town Hall, Main Road, Romford</b>
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Members 11: Quorum 4

### COUNCILLORS:

**Conservative Group  
( 5 )**

Robert Benham (Vice-Chair)  
Michael White (Chairman)  
Joshua Chapman  
Roger Ramsey  
Damian White

**Residents' Group  
( 2 )**

Ray Morgon  
Barry Mugglestone

**Upminster & Cranham  
Residents' Group (1)**

Clarence Barrett

**Independent  
Residents' Group  
( 1 )**

David Durant

**Labour Group  
( 1 )**

Keith Darvill

**North Havering Residents  
(1)**

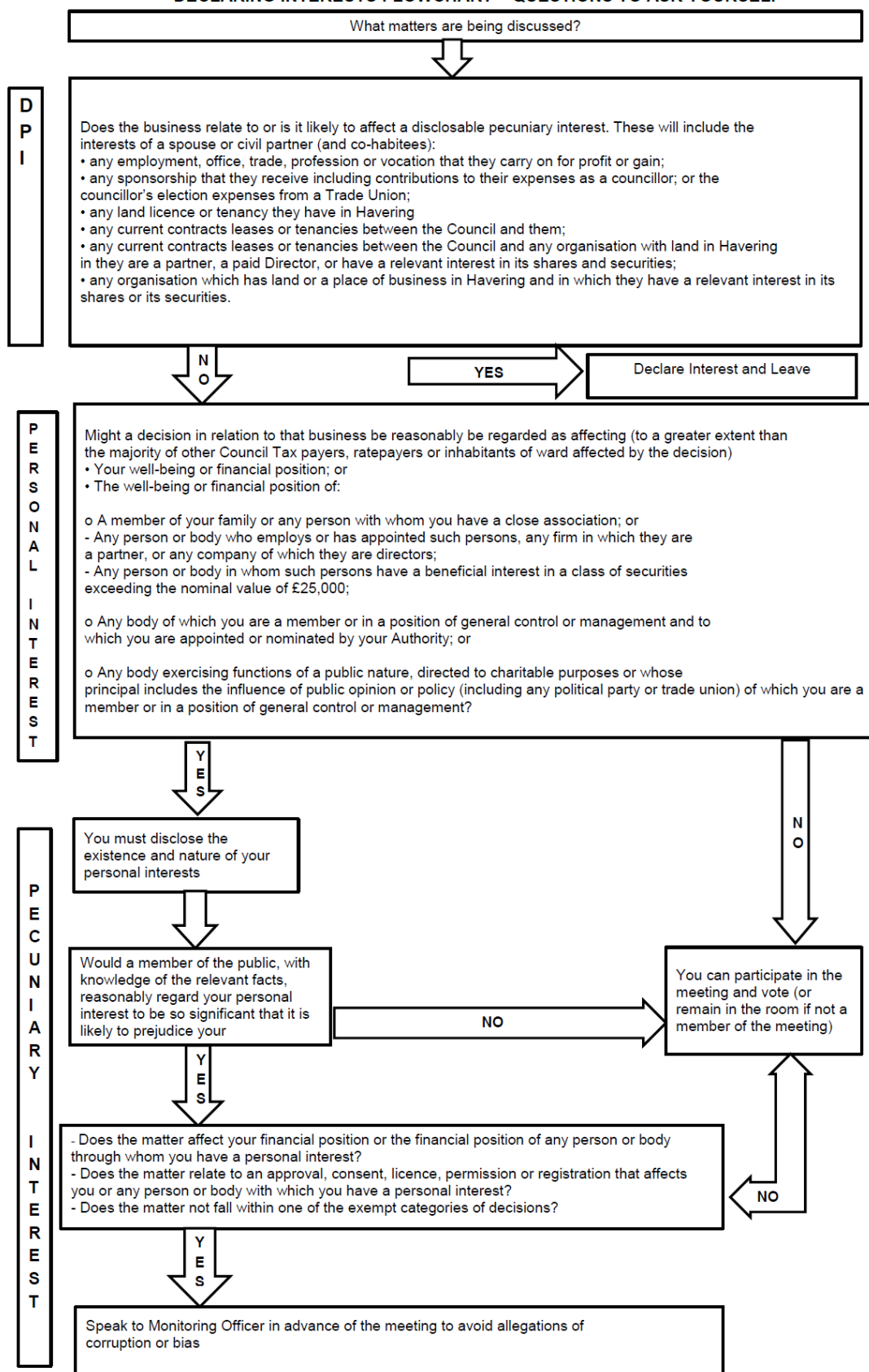
Darren Wise

**For information about the meeting please contact:**

**Debra Marlow tel: 01708 433091**

**e-mail: [debra.marlow@onesource.co.uk](mailto:debra.marlow@onesource.co.uk)**

**DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF**



## **AGENDA ITEMS**

### **1 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

### **2 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

(If any) - receive

### **3 DISCLOSURE OF INTERESTS**

Members are invited to disclose any interest in any of the items on the agenda at this point of the meeting.

*Members may still disclose any interest in any item at any time prior to the consideration of the matter.*

### **4 MINUTES** (Pages 1 - 12)

To approve as a correct record the minutes of the Committee held on 31<sup>st</sup> May, 2018, and to authorise the Chairman to sign them.

### **5 MEMBERS IT USAGE AND SOCIAL MEDIA PROTOCOLS** (Pages 13 - 38)

**Andrew Beesley**  
**Head of Democratic Services**

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**MINUTES OF A MEETING OF THE  
GOVERNANCE COMMITTEE  
Committee Room 3A - Town Hall  
31 May 2018 (7.30 - 7.50 pm)**

**Present:**

**COUNCILLORS**

<b>Conservative Group</b>	Damian White, Joshua Chapman, Michael White (Chairman) and Ray Best
<b>Residents' Group</b>	Ray Morgon and Barry Mugglestone
<b>Upminster &amp; Cranham Residents' Group</b>	Clarence Barrett
<b>Independent Residents Group</b>	David Durant
<b>Labour Group</b>	Keith Darvill
<b>North Havering Residents Group</b>	Brian Eagling

The Chairman reminded Members of the action to be taken in an emergency.

**1 APOLOGIES FOR ABSENCE & SUBSTITUTE MEMBERS**

Apologies were received from Councillor Darren Wise who was substituted by Councillor Brian Eagling and Councillor Roger Ramsey, substituted by Councillor Ray Best.

**2 DISCLOSURE OF INTERESTS**

There were no declarations of interest.

**3 MINUTES**

The minutes of the meeting held on 7<sup>th</sup> March, 2018 were agreed as a correct record save that Councillor Barry Mugglestone should have been noted as present. This was amended and the minutes were signed by the Chair.

**4 ORGANISATION AND NUMBER OF APPOINTEES 18/19**

Consideration was given to the Appointments to Other Organisations Report, particularly to the report appendices setting out the vacant positions.

All appointments save two, were dealt with without vote.

Appointments to the Tenant Management Organisation PETRA (St Andrews') and the Wennington Quarry Community Liaison Committee both went to a vote.

For the appointment to the Tenant Management Organisation PETRA (St Andrews') the two nominations were:

- Councillor John Mylod (Cons); and
- Councillor Gerry O'Sullivan (RA).

The Governance Committee voted as follows:

**For Cllr John Mylod:** Cllrs Damian White (Cons), Robert Benham (Cons), Michael White (Cons), Ray Best (Cons), Joshua Chapman (Cons), Brian Eagling (NHRG)

**For Councillor Gerry O'Sullivan:** Cllrs Clarence Barrett (UCRA), Ray Morgon (RA), Barry Mugglestone (RA), David Durant (IRG) and Keith Darvill (Lab).

**Councillor John Mylod was elected 6 votes to 5.**

For the appointment to the Wennington Quarry Community Liaison Committee, the two nominations were:

- Councillor David Durant (IRG), and
- Councillor Paul McGeary (Lab)

The Governance Committee voted as follows:

**For Cllr Paul McGeary:** Cllrs Robert Benham (Con), Michael White (Con), Ray Best (Con), Joshua Chapman (Con), Brian Eagling (NHRG) and Keith Darvill (Lab)

For Cllr Durant: Cllrs Clarence Barrett (UCRA), Ray Morgon (RA), Barry Mugglestone (RA), David Durant (IRG) and Damian White (Con).

**Councillor Paul McGeary was elected 6 votes to 5.**

The Governance Committee made all other appointments as set out in the schedule attached to these minutes.

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**Chairman**

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## APPOINTMENTS RECOMMENDED BY THE COUNCIL TO OTHER ORGANISATIONS, 2018/19

ORGANISATION AND NUMBER OF APPOINTEES	EXECUTIVE MEMBER APPOINTMENTS	
<b>CEME (Centre for Engineering &amp; Manufacturing Excellence) - 1</b>	Steve Moore- Director of Neighbourhoods	
<b>East London Waste Authority - 2</b>	<b><i>Cllr Osman Dervish and Cllr Robert Benham</i></b>	
<b>East London Waste Authority Board (officer)</b>	Steve Moore- Director of Neighbourhoods	
<b>London Councils</b> (Leaders' Committee)	Representative (1): Leader of the Council – <b><i>Cllr Damian White</i></b> Deputy: (1) Deputy Leader of the Council – <b><i>Cllr Robert Benham</i></b>	
Transport & Environment Committee	Representative (1): <b><i>Cllr Osman Dervish</i></b> Deputies (up to 4): <b><i>Cllr Joshua Chapman</i></b> <b><i>Cllr Viddy Persaud</i></b> <b><i>Cllr Robert Benham</i></b> <b><i>Cllr Roger Ramsey</i></b>	
Grants Committee	Representative (1): <b><i>Cllr Viddy Persaud</i></b>	
	Deputy (up to 4): <b><i>Cllr Jason Frost</i></b>	

**Appointments to other organisations, 2018/19**

Pensions CIV (Sectorial Joint Committee)	Representative (1): Chairman of Pensions Committee – <b><i>Cllr John Crowder</i></b>  Deputy (up to 2): <b><i>Cllr Jason Frost and Cllr Joshua Chapman</i></b>
Greater London Employment Forum	Representative (1): <b><i>Cllr Robert Benham</i></b>  Deputy Representative (1): <b><i>Cllr Viddy Persaud</i></b>
Newable (formerly Greater London Enterprise Limited ) -1	Leader of the Council – <b><i>Cllr Damian White</i></b>
London Riverside (BID) Ltd	Representative (1): Leader of the Council – <b><i>Cllr Damian White</i></b>
Thames Gateway Strategic Group	Leader of the Council and Cabinet Member for Environment - <b><i>Cllr Damian White and Cllr Osman Dervish</i></b>

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Adoption & Permanency Panel-2	Cllr Christine Smith and Cllr Gillian Ford	
Tapestry (formerly Age Concern : Havering ) - 1	Cllr Linda Hawthorn	Representation reduced from two to one by Governance Committee on 1.11.17
Citizens Advice Havering	Cllr Ciaran White and Cllr Clarence Barrett	
Coopers Company & Coborn Educational Foundation	Cllr Chris Wilkins	
Essex Wildlife Trust (Bedfords Park Management Committee)	Cllr Ray Best	
Governor Panel - 3	Cllr Robert Benham, Cllr Gillian Ford and Cllr Paul McGeary	
Havering Arts Council - 5	Cllr Jason Frost, Cllr Tim Ryan, Cllr Joshua Chapman, Cllr Linda Hawthorn and Cllr Tele Lawal	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Association for People with Disabilities - 2	Cllr Christine Smith and Cllr Stephanie Nunn	
Havering Bands and Majorettes Association- Executive Committee - 3	Cllr Reg Whitney, Cllr Osman Dervish and Cllr Dennis O'Flynn	
Havering & Brentwood Bereavement Service - 1	Cllr Carol Beth	
Havering Chamber of Commerce and Industry	Cllr Jason Frost	
Havering Children's Trust	Cabinet Member for Children & Learning – Cllr Robert Benham	
Havering College of Further Education	Cabinet Member for Children & Learning – Cllr Robert Benham	Nominated at Governance Committee on 8.3.18
Havering Community Safety Partnership – 2	Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud the Chief Executive – Andrew Blake-Herbert	
Havering Joint Forum - 6	Leader of the Council – Cllr Damian White, Deputy Leader of the Council – Cllr Robert Benham, Leader of the Opposition Group – Cllr Ray Morgon	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Havering Sports Council - 5	<b>Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud,</b>	
Havering Sixth Form College - 2	<b>Cabinet Member for Children &amp; Learning – Cllr Robert Benham (till 31 July 2020) and Mrs Wendy Brice Thompson (till 30 September 2020)</b>	
Havering Theatre Trust - 3	<b>Cllr Philippa Crowder, Cllr Gillian Ford and Cllr Paul McGeary</b>	
Hornchurch Housing Trust (Nomination Trustees) - 6	<b>Ms Pamela Freer and Cllr John Mylod (until February 2019) Cllr Damian White and Cllr Carol Smith (until February 2021) Cllr Joshua Chapman and Cllr Nic Dodin (until February 2022)</b>	Ms Freer and Cllr Wood's appointments agreed at Governance on 11.3.15  Cllr White and Cllr Smith's appointment agreed at Governance on 08.03.17  Cllr Matthews' appointment agreed at Governance on 08.03.17  Cllr Chapman & Cllr Dodin appointments agreed at Governance on 8.03.18

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Lee Valley Regional Park	<b>Cllr Osman Dervish</b>	Nomination required to London Council
Local Government Association General Assembly - 4	<b>Leader of the Council – Cllr Damian White, Leader of the Opposition - Cllr Ray Morgon</b>	
Local Government Information Unit		
London Home & Water Safety Council -1	<b>Cabinet Member for Environment – Cllr Osman Dervish</b>	
London Road Safety Council - 2	<b>Cllr Clarence Barrett and Cllr Osman Dervish</b>	
London Youth Games-1	<b>Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud</b>	
Lucas Children's Play Charity Nominative Trustees – 2	<b>Cabinet Member for Children &amp; Learning (Cllr Robert Benham) and Cllr Gillian Ford (appointed till November 2019)</b>	Agreed at Governance on 11.11.15

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
North East London NHS Foundation Trust – 1	<b>Director of Adult Services – Barbara Nicholls</b>	
Poyntz (a.k.a. Richard Poyntz's) and other charities	<b>Mrs June Alexander(until March 2020) Mr David Livermore (until March 2020) and Rev. Michael Sparrow (until March 2020)</b>	Appointed by Governance on 9 March 2016
Relate North East - 2	<b>Cllr Viddy Persaud and Cllr Carol Smith</b>	
Reserve Forces & Cadets Association -1	<b>Cllr Barry Mugglestone</b>	
Romford Town Management Partnership	<b>Cllr Robert Benham and Cllr Joshua Chapman</b>	
Romford Combined Charity <u>Nominative Trustees</u> – 2	<b>Councillor Joshua Chapman (until 3.11.20) and Mrs Wendy Brice Thompson and Councillor Dilip Patel (until 3.11.18) Councillor Melvin Wallace (until 3.11.19)</b>	Cllr Chapman's appointment agreed by Governance on 11 January 2017
Safer Neighbourhood Board	<b>Cabinet Member for Public Protection and Safety – Cllr Viddy Persaud</b>	

ORGANISATION AND NUMBER OF APPOINTEES	MEMBER APPOINTED (Non Executive Appointments)	COMMENTS AND NOTES
Standing Advisory Council for Religious Education (SACRE) - 5	Cllr Philippa Crowder, Cllr Judith Holt, Cllr Stephanie Nunn, Cllr Gillian Ford and Cllr Tele Lawal	
Tenant Management Organisations - 3	BETRA (Gooshays) – Cllr Paul McGeary DELTA (Squirrels Heath)- Cllr Michael White PETRA (St Andrews') – Cllr John Mylod*	<i>After Vote* Voting 6 to 5 in favour of Cllr J Mylod</i>
Veolia ES Cleanaway Havering Riverside Trust - 1	Cllr Robert Benham	
Wennington Quarry Community Liaison Committee- 1 (until May 2022)	Cllr Paul McGeary*	<i>After Vote* Voting 6 to 5 in favour of Cllr P McGeary</i>



## GOVERNANCE COMMITTEE

18 July 2018

<b>Subject Heading:</b>	Members IT Usage and Social Media Protocols
<b>SLT Lead:</b>	Andrew Blake-Herbert
<b>Report Author and contact details:</b>	Kathryn Robinson The Council's Monitoring Officer <a href="mailto:kathryn.robinson@onesource.co.uk">kathryn.robinson@onesource.co.uk</a>
<b>Policy context:</b>	Business Systems policy
<b>Financial summary:</b>	There are no direct financial implications arising from the report

### The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

### SUMMARY

At its meeting on 21 March 2018, Council approved a motion which called upon the Governance Committee to consider adoption of a protocol relating to email communications between members of the Council.

The purpose of this report is to recommend adoption of such a protocol which provides guidance and assistance on the appropriate use of Council IT in general, including email. A protocol encompassing the wider use of IT resources is also essential given the recent introduction of the General Data Protection Regulations (GDPR).

Furthermore, a protocol is also proposed in respect of the use of social media, which has become an increasingly important means of communication for elected Members.

## **RECOMMENDATIONS**

That the Committee:

1. Approves the 'Member IT Usage Protocol' attached at Appendix 1.
2. Approves the 'Social Media Protocol for Members' attached at Appendix 2

## **REPORT DETAIL**

### **1. Member IT Usage Protocol**

- 1.1 The Council provides Members with ICT facilities to assist in the undertaking of their duties. Members are provided with a Council email account, accessible on IT hardware (either a laptop or ipad) equipped with mobile connectivity.
- 1.2 The protocol, attached at Appendix 1, provides guidance which ensures that Members make use of those facilities in an effective, efficient and responsible manner and in accordance with GDPR.
- 1.3 Specifically in relation to the motion agreed at the meeting of Full Council on 21 March 2018, the protocol establishes the appropriate use of electronic mail, with guidance on how and in what circumstances Council-provided email is not to be used.
- 1.4 The protocol should be read in conjunction with the Member Code of Conduct and the section concerning the use of local authority resources.

### **2. Social media protocol**

- 2.1 Social media has played an increasingly important part in the operation of a democratic society by offering positive opportunities for the Council and Councillors to engage with citizens.

- 2.2 The use of social media can however present Councillors with certain risks and challenges which could result in complaints being made against the Council, or allegations regarding a breach of the Member Code of Conduct.
- 2.3 Potential difficulties arising from the use of social media can be avoided if the information published by Councillors is objective, balanced, informative, and accurate. The effects of publishing information online can be long lasting, as access to online published content is pervasive and effectively published in perpetuity.
- 2.4 To assist Members, a protocol has been drafted which provides advice and guidance on the use of social media and is attached at Appendix 2 for approval.

### **IMPLICATIONS AND RISKS**

#### **Financial implications and risks:**

There are no direct financial implications arising from this report.

#### **Legal implications and risks:**

The Localism Act 2011 provides the framework for Councillor Conduct matters and the Council's Code of Conduct is in accordance with the legislation. The proposed protocols add guidance and background to the Code; use of the Council's resources for political or non council purposes is not permitted, and inappropriate statements released as councillors via email or social media may amount to a breach of the Code, for example by bringing the Council into disrepute. The proposed protocols act as guidance to uphold high standards of conduct in public life. .

#### **Human Resources implications and risks:**

There are no immediate HR implications arising from this report.

#### **Equalities implications and risks:**

Havering Council adheres to all aspects of the Equality Act 2010 legislation.

The Protocols provide additional focus to individual rights of others and how people and communities are referred to in the public domain.

### **BACKGROUND PAPERS**

None



# **LONDON BOROUGH OF HAVERING**

## **Members ICT Usage Protocol**

**July 2018**

## **Introduction.**

The London Borough of Havering ('the Council') recognises the benefits of Information and Communications Technology ('ICT') and encourages the use of ICT equipment systems and services in all aspects of its business.

It is important that the use of ICT resources is regulated however, to ensure that the Council complies with relevant legislation, regulatory codes of practice, Council policies and best ICT practice.

The Council has developed the Members' ICT Protocol to set standards and provide clear guidance on what constitutes acceptable and unacceptable use.

## **Scope**

This protocol applies to Members who have access to ICT resources provided by the Council.

## **Definitions**

For the purposes of this Policy, ICT resources mean all elements of the Council's ICT infrastructure, comprising:

- Data network and main computer systems;
- Portable computers, Ipads and phones as provided under the Council's Member ICT scheme, and personal devices set up by IT
- Software and other services (including e-mail and the Internet) accessed through any of the above; and
- Electronic files, data and information accessed through any of the above (Regardless of where they are located or how they are processed or communicated).

## **Guidance on the use of ICT Resources**

### **Use in respect of Council business only**

Members should use their Council-provided ICT facilities for official Council related-business activities and those related to other public bodies or organisations on which they are the Council's representative or nominee, e.g. a school governing body. Members should not use personal IT for such activities since it does not have the necessary protection.

While it is not intended to prevent or hinder in any way members from carrying out their duties, members themselves must take account of the distinction

between their official duties as members of the Council and their wider party political role. Party political activity and campaigning falls outside the scope of official duties and does not qualify for the use of Council facilities.

The following activities, whilst not an exhaustive list, are acceptable uses of ICT resources:

1. The sending and receiving of email communications in respect of Council-related business eg emails with residents as ward members, correspondence with council officers on resident's matters, use of IT in roles as lead members or Committee members ;This includes any outside body matters to which the Councillor has been appointed by the Council;
2. Web-based research that relates to Council business;
3. Accessing Council meeting agendas, either via the modern.gov app or the Council's website

As data controllers Councillors must handle personal data with care and act in accordance with the provisions of the General Data Protection Regulation (GDPR). Appendix A explains how members should deal with personal information.

### **Use of the Havering e-mail address**

Electronic mail provides an almost instant means of communication 24 hours a day, 365 days a year. It has become the primary means of communication for Council business and a vital resource for Members in carrying out their duties.

Councillors are therefore provided with an e-mail address: i.e. [name@haverling.gov.uk](mailto:name@haverling.gov.uk).

This is an official address and must be used by Councillors as part of their duties as an elected member. The email address makes it apparent what role members are acting in and the Council IT and email system has data protection systems that provide security mechanisms designed to protect Council and residents' information. Members must not use a personal email account or personal IT when conducting Council-related business.

Councillors may use their Council e-mail address for their Ward newsletters and associated correspondence and include it as contact details as a means of enabling their constituents to contact them. However, the Council e-mail address should not be used for any election material or party political statements.

Where party politics, electioneering or personal business is conducted members should not use the council system, but should use a Party email address or a personal email address.

The following activities are not an acceptable use of the Council's IT resources and Councillor e.mail address and may result in a breach of the Code of Conduct

1. The access to or creation, transmission or publication of any illegal or indecent images, sounds, data or other material.
2. The creation, transmission or publication of any material which is designed or likely to cause offence, inconvenience, discrimination or needless anxiety, or which may intimidate or cause harassment.
3. Use of resource to convey personal criticism of another Member or Officer(s) of the Council
4. Party political activity and election campaigning
5. A personal data breach (GDPR)
6. Use of Council resources, including email, by anyone other than the authorised Councillor
7. Deliberate activities with any of the following characteristics or that by their nature could result in:
  - i. wasting staff resources or other users' efforts (including other Members) or network resources;
  - ii. corrupting or destroying other users data;
  - iii. violating the privacy of other users;
  - iv. disrupting the work of other users;
  - vii. the introduction or spreading of viruses.
8. Any use of the Internet or other ICT facilities that could damage the reputation of the Council.

### **Additional Considerations**

In the course of duties Councillors will likely receive sensitive personal data which is to be stored and processed on ICT equipment supplied by the Council. Councillors are therefore registered with the Information Commissioner's Office as data controllers as required by GDPR. Guidance on the practical steps to be followed to comply with the GDPR is attached at Appendix A

Members should also give careful consideration to the application of specific functions available for use with electronic email, including the 'reply all' function and the forwarding on of email; information, particularly that which contains personal details, should only be sent to limited people .

If members do not wish to receive emails from a particular sender(s) then a filter can be placed on their account by Council ICT Support Services who can be contacted at 01708 432515.

### **Responsibilities**

Members must take reasonable precautions to safeguard equipment. If IT equipment is damaged, lost or stolen it is the responsibility of the Member to immediately report it to the ICT Service Desk on 01708432515 or visit the drop in point, located within Business Systems at the Town Hall.

Any theft should be referred to the Police immediately and the ICT Service Desk notified of the Criminal Incident number.



The Member must ensure that their home contents policy covers the cost of equipment replacement, or must fund replacement equipment from the Members' basic allowance.

If the IT equipment has been misused (either by physical damage or in contravention of this policy) the London Borough of Havering reserves the right to require its return, and charge the cost of repair or replacement.

All ICT Facilities provided by the Council shall remain the property of the Council and must be surrendered to the Council in the event that a Member ceases to be a Councillor at the London Borough of Havering. In this event access to Council electronic systems will be suspended and terminated within ten working days.

Members must agree to return any ICT resource on request by Business Systems for the purposes of:

1. Audit
2. Upgrade
3. Repair
4. Maintenance

If members are in any doubt as to whether they should use facilities provided by the Council for a particular purpose they should contact the Council's Monitoring Officer for further advice.

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# **LONDON BOROUGH OF** **HAVERING**

## **SOCIAL MEDIA** **PROTOCOL FOR** **MEMBERS**



## **SOCIAL MEDIA PROTOCOL FOR MEMBERS**

### **Purpose of this protocol**

The widespread availability and use of social media networking presents the Council with new opportunities to understand, engage and communicate with our residents; however, if misused, it has the potential to cause considerable damage to the Council, and to those we seek to engage with.

The Council welcomes Members' use of social media and would like to support this by giving guidance so that Members have greater clarity as to what is and is not acceptable usage of social media.

This protocol is intended to provide such guidance and complements the general rules under the Members' Code of Conduct.

### **What is Social Media?**

Social media is the term to describe websites and online tools which allow people to interact with each other by creating their own content. The content could, for example, be blogs, videos, or short messages; these are posted on a wide range of social media platforms including (but not limited to) Facebook, Twitter, LinkedIn, Snapchat, Instagram, YouTube etc.

It is an innovative way of engaging with people in consultation and participative activities. Local Authorities are expected to lead the way in engaging with residents in local decision making and in improving and strengthening communities and neighbourhoods, and used effectively, social media can be particularly useful in engaging with those who would not normally have access to local councillors and politics.

## **Types of Social Media:**



### **Facebook:**

A website and accompanying mobile application on which users create a profile or timeline for themselves where they send and receive requests from “friends” which link their accounts, enabling them to share photos, information and common interests. Accounts can be set to “private”, this prevents anyone but a user’s approved friends seeing the content.

### **Blogs:**

Short for “weblog”, this is an online diary and can take the form of a personal website created from scratch and designed by the user, or a template hosted on a site such as WordPress, Blogger, Wix, etc. It is effectively an online diary which can be themed or personal, surrounding an individual’s interests or opinions.

### **Twitter:**

This is a micro blogging site where users communicate in 140 character statements, including images and links to websites if required. Unlike Facebook (which is essentially private unless you grant access to a ‘friend’), Twitter accounts are generally public unless restrictions are placed by the user to make them private.

Users attract followers, who do not require permission to read a user's 'tweets' (the name of the messages) unless they are blocked. It can be compared with sending a text message to a virtual message board.

Messages can be further shared by 're-tweeting' and public messages exchanged using the "@" symbol and a user's Twitter name or 'handle'.

### **YouTube:**

This is a video-sharing website where users can view and upload their own videos.

### **LinkedIn:**

This is a professional equivalent of Facebook. You can provide information about your career history and skills, and people with whom you are "linked" can endorse you for your particular skills. This is a useful site for finding expertise and keeping up-to-date with business developments in your ward or area.

## **Social Media and Members**

It is not a requirement for Members to have a Facebook or Twitter account or to use other forms of social media to fulfil their job as a Member. However, if you are using or planning to use social media in connection with your work as a councillor, or are already using such media in your private capacity, these guidelines will be relevant.

Remember that, whenever you act or appear to act in your official capacity, you must comply with the Members' Code of Conduct.

### **Social Media can be used:**

- To support councillors in performing their community leadership role
- To keep in touch with or obtain local views and opinions
- For political campaigning
- For campaigning on local issues

### **Things to bear in mind**

Any communication is capable of being misinterpreted. While the use of social media should not be more susceptible to this problem than any other form of communication, something about the immediacy of social media seems to magnify the problem.

By the nature of such media, misinterpretation or misrepresentation, particularly with regard to something that is perceived as being more controversial than it was expected to be, is likely to lead to rapid and wide broadcasting of that apparently "controversial" item.

Keep your communications clear, positive, polite and professional; avoid being ironic or sarcastic, it can be misinterpreted.

There are no special, additional legal or ethical burdens relating to the use of social media. The same rules apply here that govern the rest of your behaviour as a councillor – you just need to think about them in this new context – their immediacy and ease of dissemination.

Although the best use of social media is conversational in tone, publishing to the web is still publishing. What you have said on the web is recorded and it is permanent. Most pitfalls will be avoided if your online content is accurate, informative and thought through. Think of it as speaking in public. Think before you commit each word.

This doesn't mean that Members cannot, in the appropriate context, communicate politically. This is expected of a councillor, but you should be careful not to say anything that you would not be comfortable repeating or justifying, for example, at a public meeting.

On **Facebook**, you will need to monitor, and if necessary, censor the contributions that other people make to your site; delete them if they do not match your required standards of behaviour or language. Defamatory and offensive language will be attributed to the publisher as well as the original author and could incur financial liability. It is up to you to decide if you want to remove posts that disagree with your political position, however if you do remove them you may be accused of censoring contributions on political grounds.

On **Twitter**, you can block people who are habitually offensive or vexatious. Remember however, blocking them only stops them engaging directly with you, their tweets will continue to be public to all of their followers.

### **Some legal issues**

- **Libel** – If you publish an untrue statement about a person which is damaging to their reputation, they may consider it as defamatory and consider legal action. The same thing may happen if, for example, someone publishes something defamatory on your website and you know about it and do not take swift action to remove it. A successful legal claim could result in the award of damages against you.
- **Copyright** – Placing images or text on your site from a copyright source (for example, extracts from publications or photos), without obtaining permission, is likely to breach copyright laws. Therefore, do not publish anything you are unsure about, or obtain prior permission. Again, a successful claim for breach of copyright would be likely to lead to an award of damages against you.
- **Data Protection** – Do not publish the personal data of individuals unless you have their express permission. Personal information in an email or personal exchange should not be presumed to imply any consent to pass it on to others. If

you place personal information on a public forum you should expect it to be published by others.

- **Bias and Predetermination** – If you are involved in making planning, licensing or other quasi-judicial decisions, do not say anything through social media (or indeed anywhere) that suggests you have made your mind up on an issue that is due to be formally decided. While your likely view on a particular application may be well known, you need to be able to show that you attended the committee or hearing prepared to take on board and weigh all the evidence in reaching your view otherwise the decision may be later challenged as invalid. Predisposition is permitted, pre-determination is not. If a person has suffered some sort of detriment as a result of such an invalid decision, they may have a claim against the Council for damages and the Council's decision is put at risk of challenge by way of judicial review.

### **Social Media and the Members' Code of Conduct generally:**

Aspects of the Members' Code of conduct will apply to your online activity in the same way as they do to any other communication you may use. The key to whether your online activity is subject to the Code is whether you are, or appear to be, acting in your capacity as a councillor rather than a private individual.

If you are acting in a private capacity then the Code of Conduct does not apply. The opposite occurs of course when you are acting as a councillor. If you sign off as 'councillor', or are commenting on matters directly pertinent to the council and its business it is highly likely you will be regarded as acting in your official capacity..

One way of avoiding this, and avoiding potential problems related to the Members' Code of Conduct, may be to consider keeping your online accounts as a councillor separate from those where you communicate in personal capacity.

Where possible, a Councillor should make clear who they are in the profile of any account. In any biography where the Councillor is identified as a Councillor, the account should state that the views are those of the Councillor in question and may not represent the views of the Council.

### **Staying out of Trouble – Some Do's and Don'ts**

#### **Do's**

- Set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog.
- Think before you tweet or post on Facebook. Do not say anything, post views or opinions that you would not be prepared to:
  - Discuss face to face with the person you are speaking about
  - Write on a placard and carry down your high street and discuss and defend with anyone who sees it.



- Keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views; be aware that the higher your profile as an elected member, the more likely it is you will be seen as acting in your official capacity when you blog or network.
- Consider keeping your personal and elected member profiles on social networking sites separate and maintain appropriate professional boundaries.
- Ensure you use Council facilities appropriately; if you use a Council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity.
- Be aware that you will be seen as acting in your official capacity if you publish information that you could only have accessed by being an elected member.

#### **Don'ts:**

- Blog or tweet in haste, particularly in circumstances where your judgement might be impaired; for example, if you are tired or have consumed alcohol.
- Use Council facilities for personal or political blogs.
- Request or accept a Council employee or contractor providing services to the Council as a "friend" on a social networking site where this suggests close personal association.
- Use social media in any way to attack, insult, abuse, defame or otherwise make negative, offensive or discriminatory comments about council staff, service organisations, other Members, or the Council.
- Publish confidential information that you may have learned or had access to as part of your role as an elected member. This includes personal information about service users, their families or friends or others e.g. contractors, council staff as well as related information.
- Represent your personal views, or those of any political party or interest group you belong to, as being those of the Council on any social medium.
- Browse, download, upload or distribute any material that could be considered inappropriate, offensive, defamatory, illegal or discriminatory.
- Make conspicuous or excessive use of social media technology during the course of a Council or committee meeting so that you give the impression to the public of not being respectful of the proceedings and, more seriously, taking decisions that are not based on full engagement with the facts and arguments.
- Use social media to promote personal financial interests. This includes the promotion of particular commercial activities that Council representatives may have an interest in. Not sure I understand this one

**Staying safe:**

Councillors, just like anyone else, should be careful about internet security. If you lose control of a Social Media account to a hacker, you could suddenly find all sorts of inappropriate comments being published to the world in your name!

Use secure passwords (generally over eight characters long and using a mix of letters, numbers and symbols) and never share your password with anyone. If you are using shared IT equipment, don't store your password on the computer.

Councillors must be aware of their own safety when placing information on the internet and should not publish anything that could leave them vulnerable.

Any Councillor receiving threats, abuse or harassment via their use of social media should report it to their political group leader, Members' services and /or the Police.

## **Concluding Remarks**

The Council wishes to encourage Members' use of new technology. This guidance is intended to help Members use social media in a way that avoids legal and reputational risk.

Posts made using third party sites such as Facebook or Twitter are not held or within the control of the council - posts can be deleted by site administrators without knowledge or consent of the council. In exceptional circumstances, copies of posts may be made and retained by the council, (e.g. as evidence of inappropriate posts) in line with relevant council procedures, (depending on the nature of the allegation) These copies will be held for a period dependent on the type of investigation they are subject to, (e.g. disciplinary, audit, criminal, etc.).

If you have any doubt at all about whether content is appropriate, it probably isn't! If you are still in any doubt, you should contact the Council's Monitoring Officer before posting.

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# Briefing for Councillors on Data Protection

## Questions and Answers

This briefing is about the introduction of the new data protection law, which is called the General Data Protection Regulation 2016 and is known as GDPR. The government also introduced the Data Protection Act 2018 (DPA) which amended the GDPR.

The data protection laws provide a legal framework for the processing of personal data, the rights of individuals and enforcement powers of the Information Commissioner's Office.

Both data protection laws started on Friday 25th May 2018.

## Explaining the jargon:

- Personal data is information about a living person, which is capable of identifying the individual.
- Processing is anything done with or to personal data, including collecting, using, storing and deleting it.
- The 'data subject' is the person about whom personal data is processed e.g. a resident.
- The 'data controller' is the person or organisation who determines the how and what of data processing.
- The Information Commissioner's Office (ICO) is responsible for the supervision of GDPR and can issue enforcement notices and fines. Their website is [www.ico.org.uk](http://www.ico.org.uk).

## 1. Introduction

Councillors are likely to have three different roles:

- They represent residents of their ward, for example, in dealing with complaints.
- They act as a member of the Council, for example, as a cabinet member or member of a committee; and
- They may represent a political party, particularly at election time.

Depending on the role the Councillor has at the time, the Council may be able to disclose personal information to them. In doing so, it will often be

necessary to restrict the use of any personal information provided for specific purposes.

Councillors may also obtain personal information from residents.

## **2. How does GDPR affect Councillors?**

Elected members are data controllers under GDPR and are responsible for the personal data that they collect, store, use and delete.

## **3. New data protection law (GDPR)**

The new data protection law replaces the Data Protection Act 1998. It places more emphasis on transparency, openness and the information that you will need to show that you are complying with the law (the idea of accountability).

## **4. What is personal data?**

Any information relating to an identifiable person who can be directly or indirectly identified.

The definition provides for a wide range of identifiers and includes: name, date of birth, identification number (e.g. account or reference number), location data, online identifier (e.g. online information and email address).

## **5. What is special category data (sensitive personal data)?**

Special category personal data includes: race, ethnic origin, political opinion, beliefs, trade union membership, genetics, biometrics (where used for ID purposes), health, sex life or sexual orientation.

Usually, informed and written consent is required to process this type of data. However, Councillors can process special category data under the new Data Protection Act 2018 exemption without informed and written consent.

This category of data must be protected at all times because of its sensitivity and extra care must be taken. If the communication from a resident is unclear, which may include sensitive personal data, you should seek clarification.

## **6. How do I comply?**

The GDPR requires that personal data shall be:

- Processed lawfully and not further processed in a manner that is incompatible with those purposes (explained further below).
- Collected for specified, explicit and legitimate purposes (e.g. an enquiry from a resident about a Council matter).

- Adequate, relevant and limited to what is necessary to the purposes for which they are used.
- Accurate and kept up to date.
- Kept for the minimum period necessary and with justification, and
- Held securely.

## **7. How do I show that I am processing personal data lawfully?**

You need a lawful basis for receiving, storing and using personal data.

The two likely lawful bases that you will use are:

- Consent (freely given and this must be recorded and managed). Keeping a record of the communication and action(s) taken.
- Public task or official authority (e.g. supporting or promoting democratic engagement including casework).

## **8. What are the rights of the data subject (living person)?**

Individuals have rights and these include:

- The right to be informed how their data is processed (the use of privacy notices to inform residents).
- The right to access (an individual's request for personal data that you hold about them).
- The right to rectification (correction of data you hold).
- The right to erasure (also known as the right to be forgotten). This does not mean that a person can immediately request that his or her personal data is deleted.
- The right to restrict processing (stop using their personal data).
- The right to portability will only apply in some circumstances e.g. when consent is used, and
- The right to object in some circumstances about the use of their personal data.

## **9. Do I need consent for existing records held?**

No; you should review and consider whether you still need it for the purposes it was given to you.

**10. Do I need to delete information held on a mailing list?**

No; if consent was already given for them to be on the mailing list.

**11. Do I need consent to name my constituent when engaging the Council, government on their behalf?**

No; but you will need to be clear with them what will happen to their information and how you will use it. In some cases, you may need to go back to the resident if there is uncertainty over the resident's wishes.

**12. How do I keep information safe and secure?**

It is very important that personal data that you collect, hold and use is protected and you may have to provide information about how this information is kept safe and secure by the Information Commissioner's Office.

- Only use the email account provided by the Council for communication with residents and officers. **Your personal email address must not be used!** The Council's computers and network are secure and we have implemented security controls to protect the information held and used by Councillors and employees. We can provide evidence if required by the ICO or individuals who are concerned about the security of their personal data and give re-assurance.
- Before sending an email check that it is going to the right person. Email addresses look the same or is held by the computer for ease of use. Always check!
- Never forward an email to another person without checking the information or attachment(s) because you may accidentally disclose too much information or information that should not have been disclosed. If in doubt create a new email with only the information that you want to share.
- When sending an email to a group of people outside the council enter the email addresses in 'BCC' and don't use 'To', unless the individuals know each other's email address. An email address is personal data and the use of BCC will hide the email addresses used.
- Be careful of the environment that you are working in when using personal data because you may be overheard or information seen on your computer or iPad.
- Password(s) and security code(s) issued must be protected and not shared, disclosed or attached to devices.
- Make sure that your computer, laptop, iPad or smartphone is locked when not in use to protect the information and to stop unauthorised access to the device.



- Personal data is confidential and is protected by GDPR. Never share information with family or friends or allow access to personal data disclosed to you in your role as a Councillor.
- You should avoid printing and carrying papers with personal and sensitive data because it is not protected, can easily be lost or stolen, may not be backed-up or is the only document held.

### **13. What is a data breach?**

A register of data breaches must be maintained by Councillors and serious breaches reported to the ICO within 72 hours. Examples are where personal data is lost (e.g. papers are left on a train), stolen, hacked (e.g. if an ICT device is lost or there is evidence that your laptop has been hacked) or email sent by you to the wrong person.

If there is a data breach, please inform the Data Protection Officer, Ian Gibbs, immediately at [ian.gibbs@onesource.co.uk](mailto:ian.gibbs@onesource.co.uk), who will provide advice and support. It is important that steps are taken to rectify the breach as soon as possible and advice will be provided to assist you.

### **14. What are the possible consequences of a breach?**

Where personal data incorrectly enters the public domain as a result of a data breach it can cause significant harm to those individuals and to their families and others. That harm may include psychological, emotion or financial harm. Data breaches are also likely to cause reputational damage to those responsible for the breach. Fines for breaches have always been part of the Data Protection regime but under the new legislation those fines are significantly higher.

### **15. Do I need to inform the Information Commissioner's Office that I am a data controller?**

Elected Members must register as a data controller under the data protection law and we do it for you.

### **16. Do you need a privacy notice?**

Yes, and we have done this for you. It is on the Council's website on the data protection webpage. You must inform residents how their personal data is collected, stored, used, deleted and protected.

### **17. When can the Council disclose personal data to Councillors?**

A local authority does not generally have to get the express consent of an individual to disclose their personal information to an elected member, as long as:

- The elected member represents the ward in which the individual lives.

- The elected member makes it clear that they are representing the individual in any request for their personal information to the Council.
- The information is necessary to respond to the individual's complaint

**Further information**

For further information, advice and support please contact Ian Gibbs, the designated Data Protection Officer, [ian.gibbs@onesource.co.uk](mailto:ian.gibbs@onesource.co.uk).

Ian Gibbs,  
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01.06.2018